

**PROPOSED ORDER/COVER SHEET**TO: Honorable Wayne D. Brazil  
U.S. Magistrate Judge**FILED**RE: ARMSTRONG, DANIELFROM: Claudette M. Silvera, Chief  
U.S. Pretrial Services Officer

NOV 16 2006

DOCKET NO.: CR 06-0336 SBA

DATE: November 16, 2006

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

THE ATTACHED MEMORANDUM WAS PREPARED BY PRETRIAL SERVICES OFFICER:

Betty Kim  
U.S. Pretrial Services Officer510-637-3755  
TELEPHONE NUMBERRE: **MODIFICATION OF CONDITIONS (OR INFORMATION/VIOLATION)**

We are requesting direction from the Court. Please initial the appropriate box(es), and return this form to us so that we may comply with your instructions.

- ☒ I have reviewed the information that you have supplied. I do not believe that this matter requires any action by this Court at this time.
- ☐ Inform all parties concerned that I will conduct a Bail Review Hearing in Courtroom No. \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_.
- ☐ Inform all parties concerned that a Bail Review Hearing will be conducted by: Magistrate Judge \_\_\_\_\_ Presiding District Court Judge \_\_\_\_\_.
- ☐ I agree with the recommendation of the Pretrial Services Officer and hereby modify the defendant's Pretrial Release conditions as indicated below:
- ☐ Modification(s)
- A.
- B.
- ☐ Bail Revoked/Bench Warrant Issued.
- ☐ I am returning the signed order and direct that a copy be provided to the Court file and all interested parties(AUSA and Defense Counsel).

☒ Other Instructions:

*Please tell Mr. Armstrong that there will be consequences if he does not comply with the requirements of automated curfew.*

*Wayne D. Brazil*  
JUDICIAL OFFICER

*11-16-06*  
DATE

Cover Sheet (12/03/02)

cc: WDB's Stats, Copy to parties via ECF,  
USA, Pretrial, Financial

**To:** Honorable Wayne D. Brazil  
U.S. Magistrate Judge  
**From:** Betty Kim  
U.S. Pretrial Services Officer  
**Subject:** ARMSTRONG, DANIEL  
CR 06-0336 SBA  
**Date:** November 16, 2006



## MEMORANDUM

Your Honor:

On May 30, 2006, Mr. Armstrong appeared before Your Honor charged in an Indictment with a violation of Title 18, United States Code, Section 1349- Conspiracy to Commit Bank Fraud and Supervised Release Violation. On that date, the defendant was ordered to reside at the halfway house under Pretrial Services 30-day supervised release placement agreement and under the following special conditions of release:

1. The defendant shall report to U.S. Pretrial Services/U.S. Probation as directed;
2. The defendant shall not travel outside the counties of SF and Alameda;
3. The defendant shall surrender his passport forthwith and shall not apply for any new passport;
4. The defendant shall not possess any firearm, destructive device, or other dangerous weapon;
5. The defendant shall not use alcohol and shall not use or possess any narcotic or controlled substance without a legal prescription;
6. The defendant shall not have contact with any co defendant outside the presence of counsel;
7. The defendant shall not change residence without the prior approval of Pretrial Services; and
8. The defendant shall reside at the halfway house and may only leave as directed by Pretrial Services and Probation, for court appearances, attorney visits, and medical emergencies;
9. The defendant may only use the telephone at the halfway house to call his attorney, Pretrial Services, Probation, and family members and/or sureties.

While at the halfway house, the defendant was generally in compliance. However, on one occasion, the defendant left the facility to go out and seek employment when he was not allowed to do so. However, since there was a misunderstanding with the staff at the halfway house, the defendant was not held accountable for that situation.

On August 31, 2006, the defendant's conditions of release were modified such that the defendant was allowed to leave the halfway house and reside with his mother in Berkeley, California, on automated curfew.

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**MEMORANDUM FOR THE HONORABLE WAYNE D. BRAZIL**  
**RE: ARMSTRONG, DANIEL**

**VIOLATIONS:**

Pretrial Services received alerts from our automated curfew system for the defendant on the following dates and for the following reasons:

<u>DATE</u>	<u>TIME</u>	<u>EVENT</u>
September 23, 2006	11:18 P.M.	No answer
October 3, 2006	2:01 A.M.	Hung up before end
October 21, 2006	10:17 P.M.	No answer

Mr. Armstrong left a message on the undersigned's voicemail on September 23, 2006, at 12:03 A.M., claiming that he was "in the shower"; and on October 3, 2006, he called at 3:30 A.M., claiming that he "picked up the telephone and accidentally hung it up."

**STATUS ON SUPERVISION:**

Mr. Armstrong has generally reported as directed by Pretrial Services. The defendant has maintained employment as a sound engineer at Hard Labor Music in Oakland, California, on a full-time basis. Mr. Armstrong has provided verification of his employment as requested.

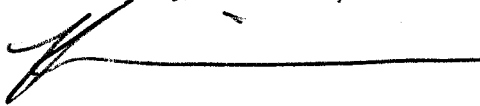
Pretrial Services is concerned that the defendant claims to have been in the shower for almost an hour and that he "fell asleep" and realized an hour and a half later that he missed a curfew call. However, these are the defendant's initial violations on automated curfew. Also, he has maintained gainful employment and he has been generally abiding by his other conditions of release. Therefore, Pretrial Services would respectfully recommend that no action be taken at this time. The undersigned has had a lengthy discussion with the defendant and it is believed that he understands that any further violations of his automated curfew could result in more severe consequences. At this time, Pretrial Services asks that the Court take judicial notice of these violations and we will notify the Court if the defendant should continue to violate his conditions of release.

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**MEMORANDUM FOR THE HONORABLE WAYNE D. BRAZIL**  
**RE: ARMSTRONG, DANIEL**

This memorandum is submitted for Your Honor's information and direction.

Respectfully submitted,



Betty A. Kim  
U.S. Pretrial Services Officer

Reviewed by:



Silvio A. Lugo, Supervising  
U.S. Pretrial Services Officer

cc: Michael Liftik, Defense counsel

Alicia Fenrick, Assistant U.S. Attorney

Jacqueline Sharpe, U.S. Probation Officer